Hovsepian v. Apple, Inc.

Doc. 145 Att. 2

	(125a) or the digital video formatter (125b), and all equivalents
Rounds 1 and 2 Defendants	This element is governed by § 112, ¶ 6, and is indefinite.
Round 3 Defendants	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6, and is indefinite.

Claim 48 of the '992 patent includes the phrase "formatting means, coupled to the conversion means, for formatting the digital signals of the information." The parties agree that this phrase is construed pursuant to 35 U.S.C. § 112, ¶ 6.

The claimed function is "formatting the digital signals of the information." The structures disclosed in the '992 patent specification for performing this function are either the digital audio formatter (125a) or the digital video formatter (125b), and all equivalents, described in the specification at 7:1-11 and shown in Figure 2a, reference nos. 125a and 125b:

> When the information from identification encoder 112 is digital, the digital signal is input to the digital input receiver 124 where it is converted to a proper voltage. A formatter 125 sets the correct bit rates and encodes into least significant bit (lsb) first pulse code modulated (pcm) data. Formatter 125 includes digital audio formatter 125a and digital video formatter 125b. The digital audio information is input into a digital audio formatter 125a and the digital video information, if any, is input into digital video formatter 125b. Formatter 125 outputs the data in a predetermined format.

('992 patent, 7:1-11).

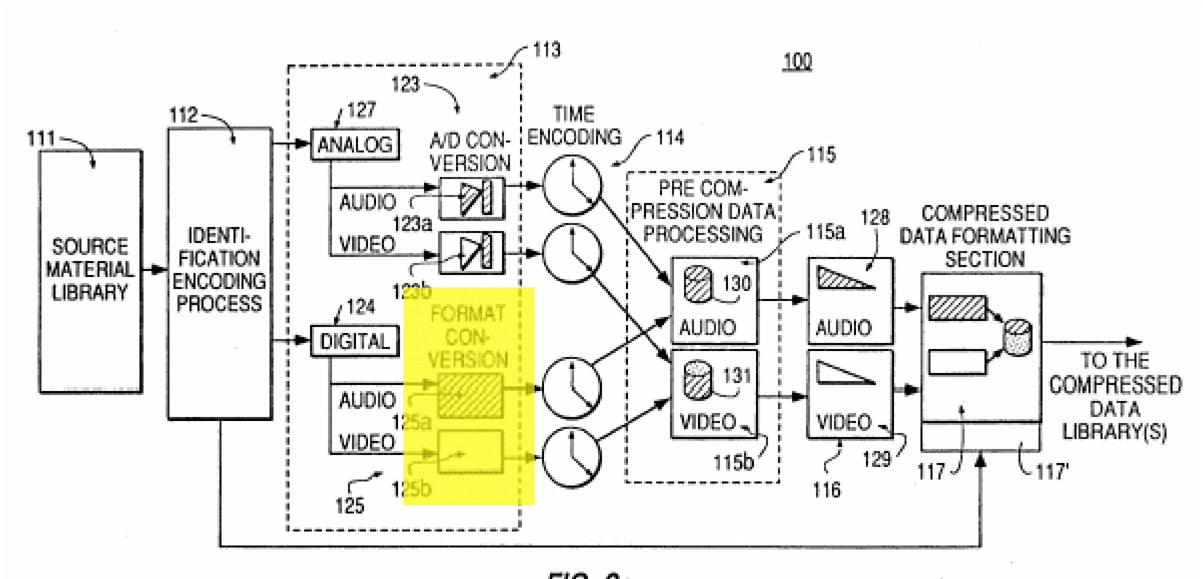
113
100
123
127
112
111
ANALOG
A/D CON-
VERSION
TIME
ENCODING
114
115
AUDIO
123a
VIDEO
PRE COM-
PRESSION DATA
PROCESSING
115a
128
COMPRESSED
DATA FORMATTING
SECTION
SOURCE
MATERIAL
LIBRARY
IDENTI-
FICATION
ENCODING
PROCESS
123b
124
DIGITAL
FORMAT
CON-
VERSION
130
AUDIO
AUDIO
131
AUDIO
125a
VIDEO
VIDEO
VIDEO
TO THE
COMPRESSED
DATA
LIBRARY(S)
125b
125
115b
129
116
117
117'

FIG. 2a

Hennigan, Bennett & Dorman llp
lawyers
los angeles, california

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38. "Ordering Means, Coupled to the Formatting Means, for Ordering the Converted Analog Signals and the Formatted Digital Signals Into a Sequence Of Addressable Data Blocks" ('992 Patent, Claim 48)

Acacia	Construed pursuant to 35 U.S.C. § 112, ¶ 6 -- time encoder (114), and all equivalents.
Rounds 1 and 2 Defendants	This element is governed by § 112, ¶ 6, and is indefinite.
Round 3 Defendants	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6, and is indefinite.

Claim 48 of the '992 patent includes the phrase "ordering means, coupled to the formatting means, for ordering the converted analog signals and the formatted digital signals into a sequence of addressable data blocks." The parties agree that this phrase is construed pursuant to 35 U.S.C. § 112, ¶ 6.

The claimed function is "ordering the converted analog signals and the formatted digital signals into a sequence of addressable data blocks." The Court has already construed the phrase from claim 1 of the '992 patent of "ordering means, coupled to the conversion means, for placing the formatted data into a sequence of addressable data blocks" to mean the time encoder 114. (Markman I, at 22:15-21).

The term "ordering" has an ordinary meaning of "to arrange in a series or sequence." *Webster's Third New International Dictionary*, (1993). (See Block Declaration, Exhibit 6).

The structure disclosed in the '992 patent specification for performing this function of the ordering means in claim 48 is the time encoder (114), and all equivalents, as described at 7:59-8:56, 18:69-19:4, and 19:37-56, and shown in Figure 2a, reference no. 114 and Figure 7, reference no. 413c, and Figures 8a-c:

> The transmission system 100 of the present invention also preferably includes ordering means for placing the formatted information into a sequence of addressable data blocks. As shown in FIG. 2a, the ordering means in the preferred embodiment includes time encoder 114. After the retrieved information is converted and formatted by the converter 113, the information may be time encoded by the time encoder 114.

('992 patent, 7:59-67).

> Time encoding by time encoder 114 makes items and subsets of items retrievable and addressable throughout the transmission system 100.

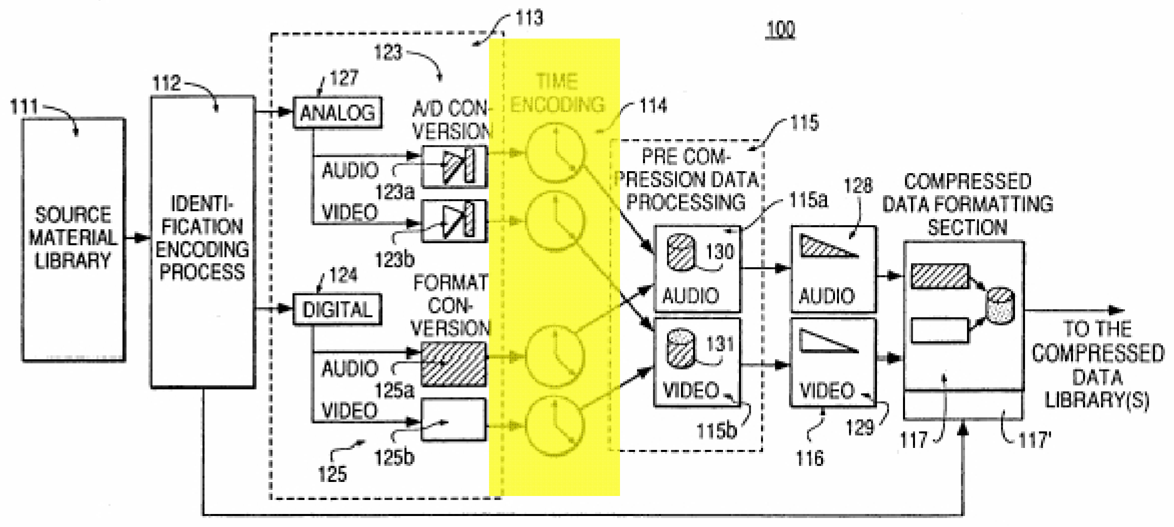
('992 patent, 8:50-52).

> The sequence of addressable data blocks which was time encoded and output by time encoder 114 is preferably sent to precompression processor 115.

('992 patent, 8:59-62).

> The processing also preferably includes placing the retrieved information into a predetermined format as formatted data by converter 113 (step 413b), and placing the formatted data into a sequence of addressable data blocks by ordering means 114 (step 413c).

('992 patent, 18:68-19:4).



113
100
123
127
112
111
ANALOG
A/D CON-
VERSION
TIME
ENCODING
114
115
AUDIO
123a
VIDEO
PRE COM-
PRESSION DATA
PROCESSING
115a
128
COMPRESSED
DATA FORMATTING
SECTION
SOURCE
MATERIAL
LIBRARY
IDENTI-
FICATION
ENCODING
PROCESS
123b
130
AUDIO
AUDIO
124
DIGITAL
FORMAT
CON-
VERSION
131
VIDEO
VIDEO
TO THE
COMPRESSED
DATA
LIBRARY(S)
125a
125b
125
115b
116
129
117
117'

FIG. 2a

39. "Compression Means, Coupled to the Ordering Means, for Compressing the Ordered Information" ('992 Patent, Claim 48)

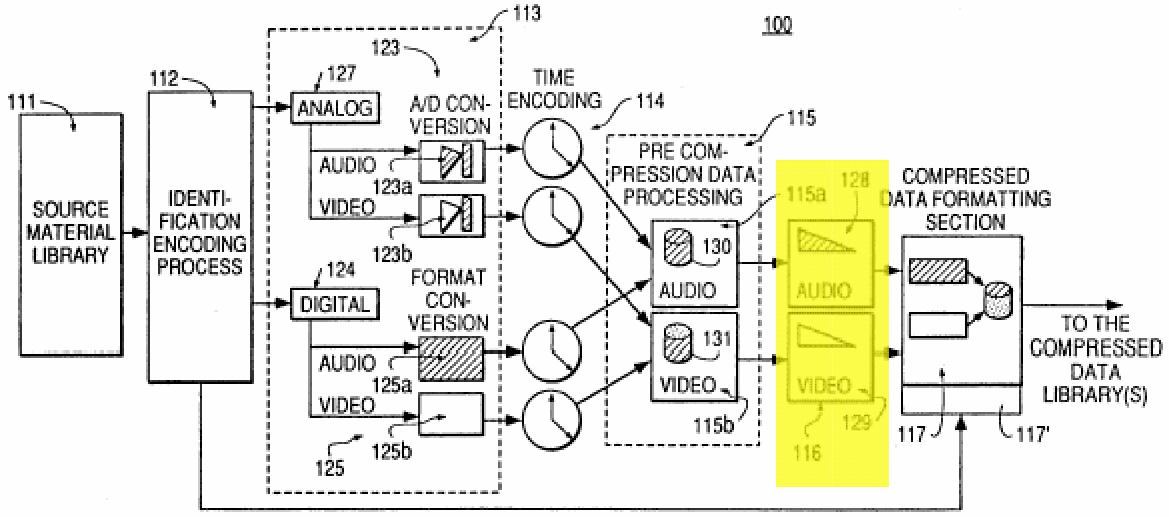
Acacia	Construed pursuant to 35 U.S.C. § 112, ¶ 6 -- a compressor (116), and all equivalents.
Rounds 1 and 2 Defendants	This element is governed by § 112, ¶ 6, and is indefinite.
Round 3 Defendants	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6, and is indefinite.

Claim 48 of the ‘992 patent includes the phrase “compression means, coupled to the ordering means, for compressing the ordered information.” The parties agree that this phrase is construed pursuant to 35 U.S.C. § 112, ¶ 6.

The claimed function is “compressing the ordered information.” The ordered information refers to the sequence of addressable data blocks created by the ordering means in the prior element. The structure disclosed in the ‘992 patent specification for performing this function is a compressor (116) (an audio compressor 128 and/or a video compressor 129), and all equivalents, as described in the specification at 9:41-10:16 and 19:5-10 and shown in Figure 2a, reference no. 116:

> Once precompression processing is finished, the frames are compressed by the data compressor 116. Compressor 116 preferably comprises an audio data compressor 128 and a video data compressor 129. The benefits of data compression performed by data compressor 116 are shortened transmission time, faster access time, greater storage capacity, and smaller storage space requirements. Compression processing performed by compressors 128 and 129 requires multiple samples of data to perform optimum compression. Audio and video information is preferably converted into blocks of data organized in groups for compression processing by audio compressor 128 and video compressor 129, respectively. These blocks are organized as frames, and a number of frames are contained respectively in the buffers 130 and 131. By analyzing a series of frames it is possible to optimize the compression process.

(‘992 patent, 9:41-57).



113
100
123
127
112
111
ANALOG
A/D CON-VERSION
TIME ENCODING
114
115
AUDIO
123a
VIDEO
123b
PRE COM-PRESSION DATA PROCESSING
115a
128
COMPRESSED DATA FORMATTING SECTION
SOURCE MATERIAL LIBRARY
IDENTI-FICATION ENCODING PROCESS
130
AUDIO
124
DIGITAL
FORMAT CON-VERSION
131
VIDEO
AUDIO
125a
VIDEO
TO THE COMPRESSED DATA LIBRARY(S)
115b
129
117
117'
116
125b
125

FIG. 2a

XV. CLAIM 49 OF THE '992 PATENT

Claim 49 of the '992 patent also depends from claim 47:

> 49. A distribution system as recited in claim 47, wherein the memory means includes **[40] means for receiving information at the head end of a cable television reception system**.

40. "A Distribution System as Recited in Claim 47, Wherein the Memory Means Includes a Means for Receiving Information at the Head End of a Cable Television Reception System" ('992 Patent, Claim 49)

Acacia	Construed pursuant to 35 U.S.C. § 112, ¶ 6 -- a transceiver (201), and all equivalents.
Rounds 1 and 2 Defendants	This element is governed by § 112, ¶ 6, and is indefinite.
Round 3 Defendants	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6, and is indefinite.

Claim 49 of the '992 patent includes the phrase "means for receiving information at the head end of a cable television reception system." The parties agree that this phrase is construed pursuant to 35 U.S.C. § 112, ¶ 6.

The claimed function is "receiving information at the head end of a cable television system." The structure disclosed in the '992 patent specification for performing this function is a transceiver (201), and all equivalents, as described in the specification at 4:14-5:33, 17:1-24, and 17:67-18:14 and shown in Figures 1d-1g and 6. The head of a cable television system is depicted in Figures 1d-1g of the '992 patent. These figures refer to the head ends as "reception systems" and assign them reference number 200. Reference number 200 is the depicted in Figure 6 of the patent and described at 17:67-18:8 as having a transceiver for receiving information:

> FIG. 6 illustrates a block diagram of a preferred implementation of the reception system 200 according to the present invention. The reception system 200 is responsive to user requests for information stored in source material library 111. *The reception system 200 includes transceiver 201 which receives the audio and/or video information transmitted by transmitter 122 of the transmission system 100*. The transceiver 201 automatically receives the information from the transmitter 122 as compressed formatted data blocks.

('992 patent, 17:67-18:8; emphasis added).

XVI. CLAIM 51 OF THE '992 PATENT

Claim 51 of the '992 patent also depends from claim 47:

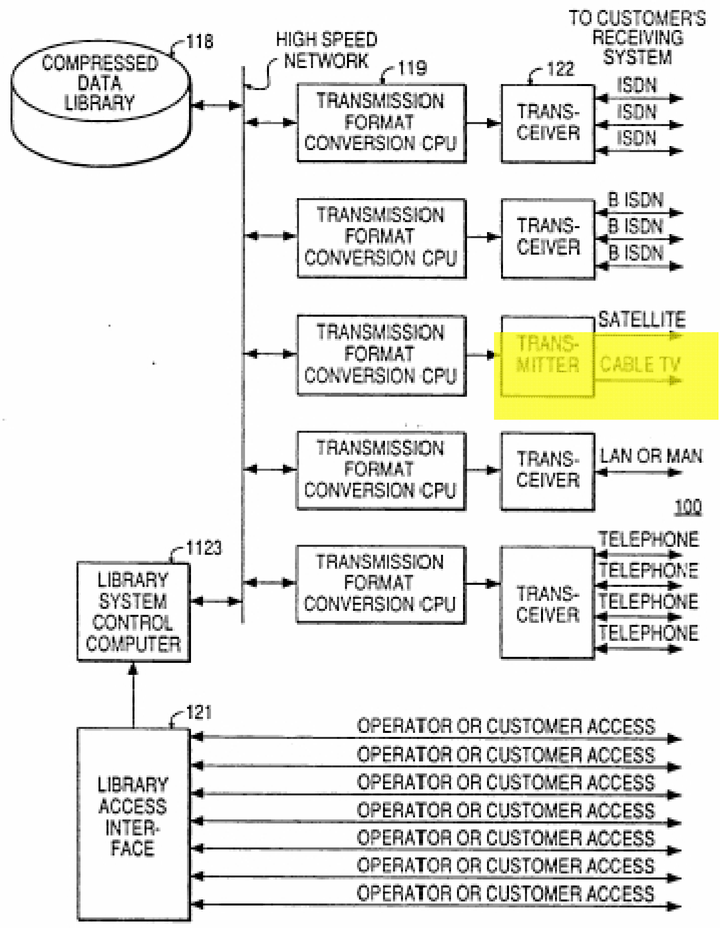
> 51. A distribution system as recited in claim 49, wherein the head end of the cable television reception system includes **[41] means for distributing compressed signals**.

41. "A Distribution System as Recited in Claim 49, Wherein the Head End of the Cable Television Reception System Includes Means for Distributing Compressed Signals" ('992 Patent, Claim 51)

Acacia	Construed pursuant to 35 U.S.C. § 112, ¶ 6 -- a cable television transmitter (reference no. 122 of Fig. 2b), and all equivalents.
Rounds 1 and 2 Defendants	This element is governed by § 112, ¶ 6, and is indefinite.
Round 3 Defendants	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6, and is indefinite.

Claim 51 of the '992 patent includes the phrase "means for distributing compressed signals." The parties agree that this phrase is construed pursuant to 35 U.S.C. § 112, ¶ 6.

The claimed function is "distributing compressed signals." The claim states that the means for distributing is included as part of the head end of a cable television reception system. The head of a cable television system is depicted in Figures 1d-1g of the '992 patent and described at 4:14-5:33. The specification also states that one of the available communication channels which may be used is a cable television system. ('992 patent, 15:61-16:15; 16:62-68). Persons of ordinary skill in the art would have understood in 1991 that, by disclosing a cable television system, the patent implicitly discloses a cable television transmitter at the head end of a cable television system for distributing signals, because persons of ordinary skill in the art in 1991 would have understood cable television systems to include a transmitter at the cable head and that such transmitters were disclosed in the '992 patent in Figure 2b. *Creo Products*, 305 F.3d at 1347 ("To the extent that Creo contends that additional structure is required for completely performing the function of 'rotating each cylinder,' we consider such structure to be implicit in the disclosure of the '368 patent. Under our case law interpreting § 112, ¶ 6, knowledge of one skilled in the art can be called upon to flesh out a particular structural reference in the specification for the purpose of satisfying the statutory requirement of definiteness.")


TO CUSTOMER'S RECEIVING SYSTEM
COMPRESSED DATA LIBRARY
118
HIGH SPEED NETWORK
119
122
TRANSMISSION FORMAT CONVERSION CPU
TRANS-CEIVER
ISDN
ISDN
ISDN
TRANSMISSION FORMAT CONVERSION CPU
TRANS-CEIVER
B ISDN
B ISDN
B ISDN
TRANSMISSION FORMAT CONVERSION CPU
TRANS-MITTER
SATELLITE
CABLE TV
TRANSMISSION FORMAT CONVERSION CPU
TRANS-CEIVER
LAN OR MAN
100
1123
LIBRARY SYSTEM CONTROL COMPUTER
TRANSMISSION FORMAT CONVERSION CPU
TRANS-CEIVER
TELEPHONE
TELEPHONE
TELEPHONE
TELEPHONE
121
LIBRARY ACCESS INTER-FACE
OPERATOR OR CUSTOMER ACCESS
OPERATOR OR CUSTOMER ACCESS
OPERATOR OR CUSTOMER ACCESS
OPERATOR OR CUSTOMER ACCESS
OPERATOR OR CUSTOMER ACCESS
OPERATOR OR CUSTOMER ACCESS
OPERATOR OR CUSTOMER ACCESS
FIG. 2b

XVII. CLAIM 52 OF THE '992 PATENT

Claim 52 of the '992 patent also depends from claim 47:

> 52. A distribution system as recited in claim 49, wherein the head end of the cable television reception system includes [42] means for decompressing the received signals and for distributing the decompressed received signals and compressed received signals.

42. "A Distribution System as Recited in Claim 49, Wherein the Head End of the Cable Television System Includes Means for Decompressing the Received Signals and for Distributing the Decompressed Received Signals and Compressed Received Signals" ('992 Patent, Claim 52)

Acacia	Construed pursuant to 35 U.S.C. § 112, ¶ 6 -- a decompressor (208 and/or

	209) and a cable television transmitter, and all equivalents.
Rounds 1 and 2 Defendants	This element is governed by § 112, ¶ 6, and is indefinite.
Round 3 Defendants	This is a means-plus-function limitation to be construed pursuant to 35 U.S.C. § 112 ¶ 6, and is indefinite.

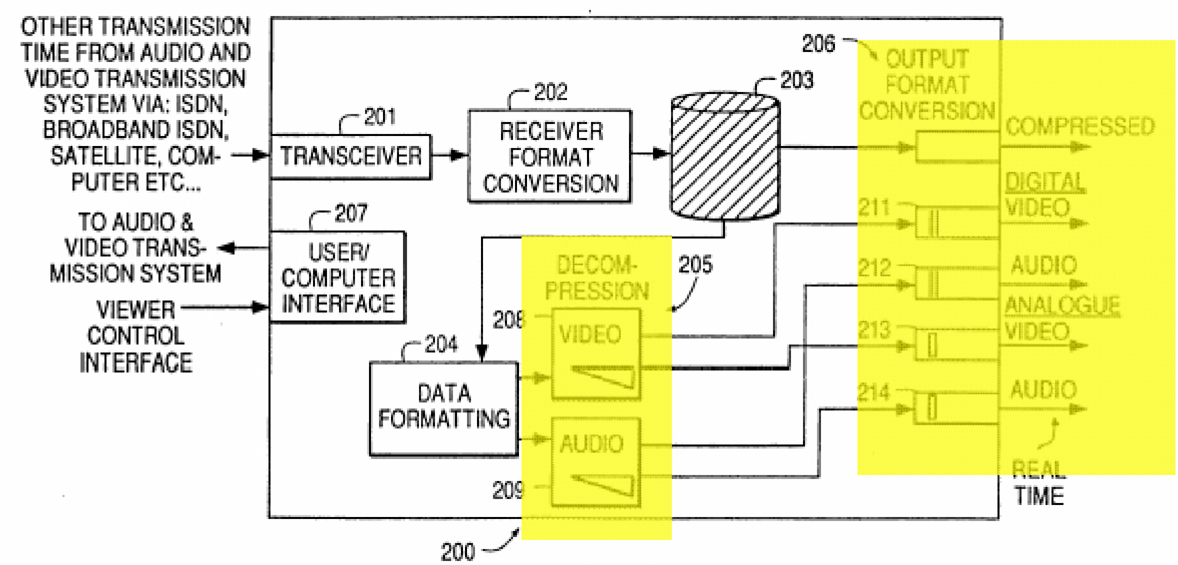
Claim 52 of the '992 patent includes the phrase "means for decompressing the received signals and for distributing the decompressed received signals and compressed received signals." The parties agree that this phrase is construed pursuant to 35 U.S.C. § 112, ¶ 6.

The claimed function is "decompressing the received signals and distributing the decompressed received signals and compressed received signals." The claim states that the means for distributing is included as part of the head end of a cable television reception system. The head of a cable television system is depicted in Figures 1d-1g of the '992 patent and described at 4:14-5:33. The specification also states that one of the available communication channels which may be used is a cable television system. ('992 patent, 15:61-16:15; 16:62-68). Persons of ordinary skill in the art understand that, by disclosing a cable television system, the patent implicitly discloses a cable television transmitter at the head end of a cable television system for distributing signals, because persons of ordinary skill in the art in 1991 would have understood cable television systems to include a transmitter at the cable head and that such transmitters were disclosed in the '992 patent in Figure 2b. *Creo Products*, 305 F.3d at 1347.

Further, the specification identifies the reception system (reference number 200) as being the head end of the cable television system. The reception system 200 is depicted in Figure 6 of the '992 patent and described as including a decompressor 208 and/or 209. Figure 6 also shows that the reception can output both decompressed and compressed received signals:

> *The separated audio and video information are respectively decompressed by audio decompressor 209 and video decompressor 208.* The decompressed video data is then sent simultaneously to converter 206 including digital video output converter 211 and analog video output converter 213. The decompressed audio data is sent simultaneously to digital audio output converter 212 and analog audio output converter 214. The outputs from converters 211-214 are produced in real time.

('992 patent, 18:27-35; emphasis added).


OTHER TRANSMISSION TIME FROM AUDIO AND VIDEO TRANSMISSION SYSTEM VIA: ISDN, BROADBAND ISDN, SATELLITE, COM-PUTER ETC...
TO AUDIO & VIDEO TRANS-MISSION SYSTEM
VIEWER CONTROL INTERFACE
201
TRANSCEIVER
202
RECEIVER FORMAT CONVERSION
203
207
USER/ COMPUTER INTERFACE
204
DATA FORMATTING
DECOM-PRESSION
205
208
VIDEO
AUDIO
209
206
OUTPUT FORMAT CONVERSION
COMPRESSED
211
DIGITAL VIDEO
212
AUDIO
213
ANALOGUE VIDEO
214
AUDIO
REAL TIME
200
FIG. 6

XVIII. CLAIM 53 OF THE ‘992 PATENT

Claim 53 of the ‘992 patent also depends from claim 47:

> 53. A distribution system as recited in claim 47, [43] wherein the memory means is an intermediate storage device.

43. “A Distribution System as Recited in Claim 47, Wherein the Memory Means is an Intermediate Storage Device” (‘992 Patent, Claim 53)

Acacia	An “intermediate storage device” is a storage device (i.e., a device that stores) which is between the transmission system and the receiving system.
Rounds 1 and 2 Defendants	The element as a whole is indefinite. But Defendants agree with Acacia that “intermediate storage device” means a storage device that is between the transmission system and the receiving system.
Round 3 Defendants	See construction of “the step of storing includes the step of storing the received information in an intermediate storage device” elsewhere in this chart.

Claim 53 depends from claim 47 of the ‘992 patent and states that the memory means is “an intermediate storage device.”

Acacia and the Rounds 1 and 2 Defendants agree that the “intermediate storage device” is a storage device that is between the transmission system and the receiving system.

Claim 53 further defines the "memory means" of claim 47. The claimed function of the "memory means" of claim 47 is to store a complete copy of the received information. Claim 53 defines the memory means as a storage device that is between the transmission system and the receiving system. A storage device is a definite structure which performs the claimed function of "storing a complete copy of the received information," and therefore the presumption that 35 U.S.C. § 112, ¶ 6 controls is overcome. *See, TI Group Automotive System*, 375 F.3d at 1135 ("While the use of the word 'means' gives rise to a presumption that § 112, paragraph 6 applies, the presumption is overcome by the recitation of the structure needed to perform the recited function.")

The Round 3 Defendants contend that this term is construed pursuant to 35 U.S.C. § 112, ¶ 6 and is indefinite. The Rounds 1 and 2 Defendants do not contend that this element is construed pursuant to 35 U.S.C. § 112, ¶ 6, however, they contend that the element is "as a whole indefinite."

XIX. CLAIMS 2 AND 5 0F THE '275 PATENT

Claim 2 of the '275 patent is an independent method claim:

> 2. A distribution method responsive to requests from a user identifying items in a transmission system containing information to be sent from the transmission system to receiving systems at **[2] remote locations**, the method comprising the steps of:
>
> > **[3] storing, in the transmission system, information from items in a compressed data form, the information including an identification code and being placed into ordered data blocks**;
> >
> > **[45] sending a request, by the user to the transmission system, for at least a part of the stored information to be transmitted to a [44] reception system associated with a receiving system at one of the remote locations selected by the user**;
> >
> > sending at least a portion of the stored information from the transmission system to the reception system;
> >
> > receiving the sent information by the reception system;
> >
> > storing a complete copy of the received information in the reception system; and
> >
> > **[46] playing back the stored copy of the information from the reception system to the receiving system at the selected remote location at a time requested by the user.**

HENNIGAN, BENNETT & DORMAN LLP
LAWYERS
LOS ANGELES, CALIFORNIA